

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

Hearing Date: 04/17/2014
Hearing Time: 10:30 a.m.
Hearing Location: Utica, NY

In re:

VINCENT D IOCOVOZZI,

Debtor(s).

Case No. **13-62035**

Chapter 13

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

The Trustee objects to confirmation of the plan, filed 12/20/2013 (ECF#5), in the above named debtor(s) case for the following reason:

I. FEASIBILITY

That the plan appears to be unfeasible based upon the proposed sale of real property and the lawsuit proceeds which are speculative. The property has been on the market for several years and the lawsuit proceeds of \$400,000 appear unlikely. Due to liquidation issues, the plan must provide a 100% dividend.

II. FAILURE TO NOTICE AFFECTED CREDITOR PROPERLY

That the plan indicates there are Allowed Contested Matters. Pursuant to Local Rule 3015-1(c)(2), it appears that the debtor should file and serve the plan and Notice of Time Fixed for Filing Objections to and the Hearing to Consider Confirmation of Chapter 13 Plan on the affected creditor, Ally Bank, pursuant to Fed R. Bankr. P. 7004 and a certificate of service evidencing compliance with the Rule.

III. FAILURE TO LIST TREATMENT FOR SECURED CREDITOR

That the plan fails to list the treatment for Adirondack Bank.

WHEREFORE, Trustee respectfully requests that Confirmation be denied and for such further relief as the Court deems appropriate.

Dated: Syracuse, New York
April 10, 2014

/s/ Mark W. Swimelar
Mark W. Swimelar, Chapter 13 Trustee
Bar Roll # 506340
250 S. Clinton Street, #203
Syracuse, New York 13202
315-471-1499
trustee@cnytrustee.com

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CERTIFICATE OF SERVICE

Amy E. Militi certifies that she is, and at all times hereinafter mentioned was, an employee in the office of the Standing Chapter 13 Trustee and over the age of 18 years.

That on April 10, 2014, I served the attached Objection to Confirmation on the below named by depositing a copy in a post-paid, properly addressed wrapper under the custody of the United States Post Office in a depository within the State of New York.

VINCENT D IOCOVOZZI
203 SECOND AVENUE
FRANKFORT, NY 13340

And that she electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to the following:

Office of the U.S. Trustee
USTPRegion02.UT.ECF@usdoj.gov

CAROL A MALZ ESQ

/s/ Amy E. Militi
Amy E. Militi